

REGULAR MEETING HELD ON WEDNESDAY, DECEMBER 9, 2015

6:00 PM

ORDER OF BUSINESS

Item

1. CALL TO ORDER BY DIRECTOR at 6:00 PM

2. ROLL CALL Freeholder Graham, Freeholder Mudrick,
Freeholder Rose, Freeholder Vohden,
Freeholder Director Crabb; County Administrator,
Steve Gruchacz; County Counsel, John Williams;
Clerk of the Board Catherine M. Williams

3. MOMENT OF SILENT PRAYER AND SALUTE TO THE FLAG

4. PUBLIC STATEMENT

"Pursuant to the Open Public Meetings Act, Chapter 231, P.L. 1975 Adequate Notice as defined by Section 3D of Chapter 231, P.L. 1975, has been made by regular mail, such notice being submitted on September 17, 2015 from the Administrative Center of the County of Sussex, located at One Spring Street, Newton, New Jersey to the following:

New Jersey Herald	WSUS Radio
New Jersey Sunday Herald	WNNJ Radio
Star Ledger	

and is also posted on the bulletin board maintained in the Administrative Center for public announcements and has been submitted to the Sussex County Clerk in compliance with said Act."

5. PUBLIC HEARINGS

A. FINAL ADOPTION – BOND ORDINANCE
553-2105

Freeholder Director Crabb: "At our regular meeting held on November 24, 2015, we introduced for first reading the following Bond Ordinance which was advertised in the New Jersey Herald issue of November 27, 2015, together with a Notice of Public Hearing stating it would be held at this meeting at 6:00 PM:

BOND ORDINANCE PROVIDING FOR THE 2015 ROAD RECONSTRUCTION AND RESURFACING PROGRAM, BY AND IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY; APPROPRIATING \$2,469,819 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,469,819 BONDS OR NOTES OF THE COUNTY TO FINANCE PART OF THE COST THEREOF

MOTION that the Public Hearing be opened made by Freeholder Mudrick; seconded by Freeholder Rose and passed unanimously.

Is anyone present to be heard regarding this Bond Ordinance? No public came forward.

MOTION that the Public Hearing be closed made by Freeholder Mudrick; seconded by Freeholder Graham and passed unanimously.

MOTION that this Bond Ordinance be finally adopted made by Freeholder Mudrick; seconded by Freeholder Vohden

On Roll Call the vote was:

Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Rose	Yes
Freeholder Vohden	Yes
Freeholder Director Crabb	Yes

MOTION to authorize the Clerk to advertise this Bond Ordinance as finally adopted, and also post same on the bulletin board in the lobby of the County Administrative Center made by Freeholder Mudrick; seconded by Freeholder Rose and passed unanimously.

6. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS

A. Proclamations/Certificates

1. Proclamation in recognition of Nicholas Bond attaining the rank of Eagle Scout
554-2015
2. Proclamation in recognition of Ryan Holzhauser attaining the rank of Eagle Scout
555-2015
3. Proclamation recognizing Mary Emilius as the Distinguished Service Award recipient for 2015 from the Sussex County Council of Service Agencies
556-2015

MOTION made by Freeholder Vohden to approve these Proclamations, seconded by Freeholder Rose and passed unanimously.

B. Presentations

1. Presentation by Health Officer Peter Correale of the Pequannock Board of Health to discuss a proposed Shared Services Agreement

By Mr. Correale's request he has asked that this will be postponed until the beginning of the next year. He has received telephone calls and other questions that he would like to address.

7. PUBLIC SESSION FROM THE FLOOR

(Please note: Everyone is asked to keep their comments to 5 minutes or less)

MOTION made at 6:05PM by Freeholder Vohden to open the meeting to the Public; seconded by Freeholder Mudrick and passed unanimously.

Comment from Mr. Herb Yardley

Mr. Yardley, Newton, NJ came forward and said he has been with the Health Department for over 10 years. He is glad that Mr. Correale is not here tonight. I would also like to say Phil, you and I have had discussions with regards to the Health Department going under Social Services. We've had plenty of discussions. We were supposed to finish it and I would like to finish it. In regards to what I have read in the paper with Mr. Graham's concern over Mr. Correale and that it has been out there for 3 or 4 months and I have asked people for 3 or 4 months whether or not this was going to happen, even the State Health Department. It is out there and it has been out there. I just want to clear up the air about it.

Comment from Jerry Murphy

Mr. Murphy from Sparta Township, NJ came forward and said first item, we were told by the previous administrator that \$30,000 was put in this year's budget to repair the medium in the

White Deer Plaza in Sparta. I understand that you have been in contact with our manager at Sparta and that project was to be completed this fall; it is now going to be designed and possibly built this spring. I am wondering where is that money and can you identify that the \$30,000 is in a line item in your current budget and if so, I would like to make a suggestion and in lieu of putting a concrete medium in the plaza that you use granite like you did on County Road 620 which is Glen Road and fill in between with cobble stones because the salt that you use for winter snow storms will eat it up again. Just a suggestion that you might want to put a little more money in the upcoming year's budget. Secondly, I understand that you are rescinding your transfer of Mr. Nick Loizzi. I would like to know the exact status of this individual and if you are rescinding his transfer, when will that be?

Freeholder Director Crabb said that is something we will get more into in the Freeholders' comment section.

Comment from Rosanne Salanitri

Ms. Salanitri from Sandyston came forward and spoke about what has been in the paper about George Graham. She said you have to understand from a public's point of view, Freeholder Graham was one of the people who spoke out about the solar project and now the Board is accusing him of violations of executive sessions, the appearance to the public makes this look like it is a witch hunt. I thought the Board should be aware of that because that is how it looks to our citizens. Furthermore, as I was thinking about this, it's really to a tax payer and a citizen of this county things that are held in executive session, I understand there are laws and whatever the law stipulates it has to be regarding executive session, the executive session has to be private and things that refer to litigation and has to be private but may I remind this Board that these executive sessions where the public is cut out of knowledge of what is happening is very offensive as a tax payer. There should be nothing that this Board does as a servant of the people that should be excluded from our knowledge unless it has to do with specific laws. I can back that up. The New Jersey Constitution, Article 1, paragraph 2, section A, all political power is inheritance in the people. Government is instituted for the protection, security and benefit of the people and they have the right of all times to alter or reform the same. This Board is our servants. You work for us. To hold things in executive session, as if you are holding some kind of secret over the public, is downright offensive. There is a time and there is a place for such things but when you hold a man accountable for that for things that probably shouldn't have been in executive session from the beginning from my point of view is offensive. I just wanted to state that for the record. Thank you.

Comment from Anne Smulewicz

Ms. Smulewicz from Wantage says she take an opposing view. She said that she has served on many boards and there are specific guidelines for executive sessions. You don't go in nilly, willy and I might add if someone violates the tenants of executive session, it is executive session, a person does not get to make a determination if something is important over something else, so I can talk about that or talk about this; when you are in executive session, it is executive session and you honor those guidelines. I am not the least bit offended by executive session. What I am offended about is when I was an elected official many, many times I wanted to feel that I could honestly air my opinion and that I would honor someone else airing his and that I could have the security of knowing that I was not going to have somebody giving me dirty looks because I was making a heartfelt statement about something. I think it is despicable when someone violates the trust of other people in something that is really supposed to be from a government point of view.

Comment from Doug Amedeo

Mr. Amedeo from Sparta Township came forward and said he noticed on the agenda tonight the reappointment of Mr. Petillo and Mr. Sowden as members of the Board of Commissioners of the Sussex County Municipal Utilities. I do not know these gentlemen and I take no position on whether they should or should not be reappointed and they may be worthy of reappointment. I would note to the Board that the New Jersey Statue that controls reappointments under Title Section 40:14, B-4 states that any reappointment to a term that expires next year and these gentlemen's terms will expire next year that any reappointment can't occur on or after January 1st of the year in which their term expires because if it is not on or after January 1st, 2016, I am afraid that the passing of this resolution now in December would be statutory improper and without course of effect.

Comment from Jean Murphy

Ms. Murphy from Fredon Township came forward and said if there is going to be a presentation by Mr. Correale of Pequannock; I think it would be more productive if all the municipalities are invited. I don't want to say it would be a waste of time but it ends up being a waste of time because it really should be with the governing bodies and the mayors, everybody should all be included and I don't believe this is what we signed up for.

Freeholder Director Crabb said if that was going to happen, it will be up to the Board but it would be my recommendation that we have a special meeting.

Ms. Murphy said I think something like that should come first.

Freeholder Director Crabb said if we are all going to be hearing the presentation at the same time, we would have to call a special meeting.

Ms. Murphy said I understand that but I feel all the governing bodies, all the towns, the municipalities that are affected by this should be included and this should be brought to the table before the presentation.

Ms. Murphy said also since Jerry Murphy brought up dividers we have had issues in Vernon with our divider on Rt. 515 for years. That is an example of how not to build a divider.

Freeholder Director Crabb said don't forget the divider on Rt. 515 was approved by your own engineering group.

Ms. Murphy said I understand that and I am not pointing fingers and regardless of whom it was, you probably were not there or not involved in it but how do we proceed in getting something done as opposed to me starting to call the county. Is there anyone in particular that I should call?

Freeholder Director Crabb said I have been here for 8 years and this has probably been a discussion point and it comes down to one of these things and I am sorry that I am having a dialogue but that has been built and it was built to specific specifications and if there is going to be an accident or if the design is going to be changed, there could be liability all over the place.

Ms. Murphy said the material that has been put on it is horrendous.

Freeholder Director Crabb said, I cannot hold court on this.

Ms. Murphy said my question is, who do I contact?

Freeholder Director Crabb said engineering to start with and we have been down this road at least a dozen times.

Ms. Murphy said then this will be 13.

Comment by Keith Utter

Mr. Utter from Sandyston said he is a little disappointed that Mr. Correale is not here tonight because I wanted to hear his presentation. As being a retired construction official for the county for 25 years; I do know a little about shared services. I want to share this with you. Being from Hardyston Township and Hardyston Township being one of the most successful townships in the state to share services and when I left the largest building department geographically in the state still successful, I want to tell you this, something does not sound right when a smaller entity is proposing to take over a larger entity. Shared services generally go in the direction of a larger entity that has staffing and perhaps more efficient operations. When times get bad like when the construction has left smaller building departments and towns come along to maintain services so that is how we developed a shared service that works. So larger generally takes over smaller and that is the general direction. I don't see why when we have an entire county of over 150,000 people you would be looking to outsource part of the operations to another county or another town of 15,000 people. Whether a person is qualified to do the job or not that is neither here nor there and I can't address that tonight but I can tell you that you have in county people that are very qualified and I don't see why and my question is and be prepared to answer it who approached who about providing services outside the county because it does not make

sense and I have been accredited with using my head for my entire career. I have been in construction for over 42 years in this county and I have dealt with the health department for almost 40 of them. I know the history of the health department and I have worked with them very closely for my 25 years. The biggest problem that I have had has been leadership. There is always one person who is in charge; it has had its problems and I am not going to divulge into that now but you should reconsider that now may be a good opportunity to restructure the department and for whatever reasons, maybe getting employees to retire, this whole shift of thing may play into things, if it is a department that needs restructuring maybe it might but I am not going to say because I don't know- construction has left this county and it is not coming back. Major development in this county is not coming back and I say that with a good guess that it will be a very long time before it does. I have watched it, I predicted the fall in 2007 when we went from 250 to 300 housing units a year down to 2 in one year and watching between the board actions, the subdivisions; I also have been a planning board chairman for 25 years so having my finger on the pulse of development, I can tell you that development is not coming back to this county so if things need to be downsized they can be downsized and restructured and made more efficient. I think efficiency has lacked in the health department throughout its history so seriously I think you should reconsider that and reconsider this whole thing. As you can see from tonight there are a lot of people who deal with the health department and have concerns about what this move may be. I don't think it is the right thing to do regardless of what the proposal is; I do not think it is the right thing to do and I don't think it is in the best interest of the citizens of Sussex County. There are a lot of businesses and services affected by the Health Department. It does need to be more efficient but why you would want to give up one of the largest departments to some other kind of deal. It does not make sense to me.

Freeholder Director Crabb said I agree with every one of your points and if you have been following along you know that this Board has found ways with shared services that have made since when both sides are jumping up and down and saying when we can start. This Board has also been about reducing the footprint of government and we have seen that happen around here with the Homestead, the reduction of head count. We were approached with the proposal that could potentially reduce the footprint of county government. When you say we should reconsider, we have not considered anything that is why we were going to bring it in. First it was going to be in executive session because it could potentially have impact on staff structure that is why you go into executive session. When that information came out there was no sense throwing it out to executive session so what we wanted to do was to simply hear the proposal. It was our first touch on it as well so there is no point to reconsider anything and if it looks like an opportunity for us to reduce the size of the county footprint why wouldn't we want to hear it.

Mr. Utter said the interesting thing about wanting to hear it and hearing things obviously Boards throughout history have heard things and it sounded like a great idea and it turned out not so good. You make the decision at the end of the day. My fear is you hearing it and you thinking it is right. That is my concern and I am not wrong. If you want to reduce the footprint within any one of your departments it is completely within your right here to do it; you don't have to listen to anybody from anywhere else.

Freeholder Director Crabb said I don't think there is any harm in listening.

Mr. Utter said the tax payers in this county think there is.

Freeholder Director Crabb said so you are saying you don't want us to even listen to it?

Mr. Utter said I wouldn't even entertain it. If you have a small department that was inefficient and could be served better by someone who has a larger operation and more resources that I would listen to. I wouldn't listen to this myself.

Freeholder Director Crabb said I am not afraid to hear proposals.

Mr. Utter said I understand. I am just trying to make it clear that this will not go over easy

Freeholder Director Crabb said that is clear.

Mr. Utter said and a lot of people are watching.

Comment by Glenn Hull

Mr. Hall from Sandyston Township said he agrees with Mr. Utter on the issue. I would like to see this put off until the new Board is convened.

Freeholder Director Crabb said it is.

Mr. Hull said one of things he is here for my first comments are with the solar project. I understand that Mr. Lazzaro and Freeholder Rose were briefed recently on the details of the solar project. I would like to make a suggestion that a similar presentation be made by the same presenters to the public in the very near future. I am suggesting that clarity is needed on the amount of financial loss to the tax payers. Early on I recall hearing that the loss was greater than \$6 million which was the amount supposedly borrowed from the bailout of the Homestead sale. The way I see it, the \$6million bailout is not going to cover the loss and that more funds from the tax payers will be necessary. I am asking the Freeholder Board to bring transparency to us the tax payers of Sussex County regarding the financial hardship we are facing. A balance sheet should be produced showing the income vs. the debt service payout for this project along with all losses showing any additional costs beyond the original contract deal. I would also like to know if the project is expected to generate revenues greater than the expected cost of the project.

Second thing, Mr. Crabb as director you have now demonstrated twice since I spoke to you back in May you have been asked for an investigation by resolution. I spoke with you back in May regarding official misconduct and criminal action against my family which took place at the Sussex County Hall of Records.

I am asking the Freeholder Board to pass a resolution to have an investigation into the official misconduct and conspiracy to fraudulently record a quick-claim deed by fabricating a non-existence sale price and a false real estate transfer tax for the quick-claim deed that did not represent ownership of property and to prematurely destroy the evidence of who filed this. Sandyston Township has admitted in writing that the quick-claim deed did not represent ownership of property. This quick-claim deed did not meet New Jersey statute requirements to be filed and recorded as a deed evidencing advancement of property. Again, I am asking you to pass a resolution to ask the Justice Department to investigate the federal employee of the park service and to have the attorney general investigate Sussex County. This crime has been covered up long enough. Thank you.

Comment by Neil Kenny

Mr. Kenny from Green Township came forward and welcomed Mr. Rose. He asked if Mr. Graham had be convicted or sanctioned because I did not read that.

Freeholder Director Crabb said no.

Mr. Kenny said so then conversations really are not germane to what the issue is.

Freeholder Director Crabb said I believe it was stated at the last session that we are going to have Counsel report on it at a later time as to what process there may be to move forward with this.

Mr. Kenny said so there may be no action. So the man by his constitutional right is not guilty. He is not convicted, he is not anything. It is just an accusation at this point, right.

Freeholder Director Crabb said right, there has been no judgement.

Mr. Kenny said from the conversation I was not sure if we were going to lynch him after the meeting or not.

Comment by Randy Sprague

Mr. Sprague said he was there on behalf of the Swartswood Lake and Watershed Association and say thank you to the Board for your assistance you gave us with some complicated issues we were having with NJDEP. We did have a recent meeting with them and the assistant commissioner and about 10 members from dispatch showed up. Senator Oroho and his staff, Freeholder Vohden, Gail Phoebus and John Williams put together a letter and all of them were very helpful in getting us back on track to where we need to go. It seems to be those down in Trenton who feels certain weeds are more important than the integrity of the lake itself. We have made a lot of good progress and I am very pleased how the meeting came out and the fact that we made such good progress.

Freeholder Vohden said you did a great job. Nobody gets that much from the DEP.

Comment by Maureen Slack

Ms. Slack came forward and said she is employed with the County of Sussex and it will be 28 years in March. I work for the Health Department and I am very proud to say that I work for the

Health Department. I think a lot of things we do go unnoticed and you talk about leadership, we have a gentlemen who is waiting to be appointed as our leader and that has not happened and for any good team you do need a leader and that can allow us to work more efficiency if that were to happen.

Comment by Chris Quinn

Ms. Quinn from Sparta came forward and said four years ago someone very close to me who was struggling with addiction pulled me aside and very candidly looked at me and said you need to get your children and get out of Sussex County right away. You need to leave Sparta and you need to leave Sussex County and you need to do it now. I was so stunned by that answer and I didn't really know how to respond and it was a comment that shook me to the core. I looked back and said why, they said it is so bad and it is going to get worse and you need to take your children and go someone safe. After about 5 seconds of thinking about it I asked one question back and it was where am I going to go? That was four years ago, I will say that the issues that plague Sussex County are no different than the issues that plague the counties around us, any county anywhere; I would argue nationally. I would say the only way that we can prove on how we are any different is on how we choose to combat these issues and how we choose to put programs in place and try to change the mindset, try to educate the children, try to educate the parents, try to provide services for people that need them. I would also say that the services that are provided from the health department from human services they span outside of that but none the less something that needs to be said these services are not frivolous- these services are saving lives. We may not be able to save everybody but at the end of the day we should say we gave it all we had and that comes from careful consideration and review and making sure that we have best people in the best position with the best knowledge to make that happen. As we close out 2015, moving into 2016 it is my opinion for all of us in our respective municipalities to take a look back at inventory everything that worked really well and we see where we can improve because there is also opportunity to get better. I know there has been a lot of change here in this past year. Change does not always have to be bad, change can be good; change can be difficult that is for sure.

The one thing that I would like you to do is please take this opportunity to make these changes the best they can be, open up Sussex County try to get the best and the brightest, take the opportunity for open positions and make sure the decisions being made are not just being made on paper but being made in the best interest how it really relates to every single person across any demographic in Sussex County itself. I would say again, to my initial point, that we are no different than anywhere else nationally but at the end of the day it is our opportunity, instead of having people flee out of Sussex County, perhaps have people come to Sussex County if we show them in fact that we are different. Thank you.

Comment by Skip Danielson

Mr. Danielson from Byram Township came forward and said I draw your attention to 25 years ago we had a charter study commission in this county and I was very happy to be elected to fill one of those positions on the commission. We studied county government and every once in a while when I see something on the agenda that is a little adverse to what we recommended, it rings a bell. I am looking at 12 B and C on the agenda. Where does that fit in with the statutory positions of fire marshal and fire coordinator and where does it fit in the scope of things, is it an added position, is it a matter of give and take, where does it sit. And 12 C what division of county government does that sit in, where does that fit in with the staffing of the county.

Freeholder Director Crabb asked Steve Gruchacz, County administration about the resolutions.

Steve Gruchacz, said he will check with employee services and see why the change. Sometimes it has to do with a reclassification due to civil services, sometimes it has to do with a vacancy so I will be more than happy to do that research.

Freeholder Director Crabb said as we mentioned in the Agenda meeting that we had on this these establishments were titles it doesn't necessarily mean there will be head filling them but we will look into the status of them. We will get you clarity.

Mr. Danielson said now you have raised my concern why can't somebody up there answer that question without going back to staff?

Comment by Mr. Pineiro

Mr. Pineiro from Andover Township came forward and said Freeholder Director Crabb just spoke about reducing the footprint in government and yet every month you keep increasing the jobs in this hierarchy.

Freeholder Director Crabb said I don't think we have increased jobs.

Mr. Pineiro said you just mentioned two more.

Freeholder Director Crabb the ones you are speaking about is titles.

Mr. Pineiro said I meant to the governing body you keep increasing in Sussex County. Everybody keeps talking about reducing and this Board keeps increasing.

Freeholder Director Crabb said if you have been following over the years we have gone from about 830 employees down to 500.

Mr. Pineiro asked about the traffic signal position. Do we need new?

Freeholder Director Crabb said they are not new they are existing headcount that has been promoted to those positions.

Mr. Pineiro said so you promote them at a higher rate and then they retire in two or three years.

Freeholder Director Crabb said this is not the case here. These are not senior positions and if there were people who moved into them it was done based on merit, like any business.

Mr. Pineiro asked if these positions are open to the public because he didn't see any advertisements in the paper.

Freeholder Director Crabb said everything here is through Civil Service and is done through what they dictate.

Comment by Carl Lazzaro

Mr. Lazzaro from Fredon Township came forward and said this is pretty exciting. It sounds like people want to take participation in their government. I have carefully watched what is going on since June and quite frankly I am up to my eye balls. I respectfully request this Board to withdraw these appointments for the resolutions for SCMUA. I think what you have done in the last 6 months is tried to make things as difficult as possible for the new Board to come in. I will ask you Mr. Mudrick who has always stood up to what is right as opposed to what is wrong. What is happening is not right. What you have done with your appointments and the way you have done things is wrong. That needs to change. If you want to have a cooperative working government, frankly all of this stuff is embarrassing that is happening in Sussex County and I am glad people are finally saying enough is enough. I would request that you do that. On the sadder side, I would ask and request that someone create a resolution for thanks and gratitude for Ralph Shotwell who passed away this weekend. His services, for his contributions to Sussex County, the farming community, the fire service community, the 4h community and just everybody who has come in contact with Mr. Shotwell has had their life enhanced, a little friendlier, a little warmer and a little more Sussex County. If someone could work on that it would be a marvelous gesture.

MOTION to close the public session was made by Freeholder Vohden, seconded by Freeholder Mudrick and pass unanimously.

8. FREEHOLDERS' COMMENTS

Comments by Freeholder Vohden

Freeholder Vohden said he was glad to see that there were so many people out tonight and I am sure you are here for the good and welfare of Sussex County. We have our problems and since our last meeting, I have been concentrating my efforts on a few issues that I feel are really important for Sussex County and our economic health.

- **Bail Reform and Speedy Trial**

Freeholder Vohden said this will probably save taxes. It will give us some reductions. Less cost at the jail; a little bit more cost at the prosecutor's office. Last week three of us were down at NJAC in Trenton and some positive results came out of that. Next

week there is a meeting with NJAC in Trenton and it will be presentations by the State, county and other industry experts who will provide an overview so we get a better understanding of where we are going, how we are going to handle it and a better understanding of what our tax savings will be. That is what we have to look for in Sussex County. That is why we are going to have this presentation tonight.

- **Highlands Council's Meeting**

The Highlands Council is reviewing the regional Master Plan. This is the planning document for the Highlands Regional. 38% of Sussex County is in the Highlands Region. 36% of Sussex County is permanently preserved. We won't get any kind of development that leaves 22% of Sussex County that we can look at for further development, economic development for the health of Sussex County that does not have the heavy regulation of the Highlands Region. Even in this 22%, we have other economic regulations holding us back, steep slopes, endangered species, and 300 foot category 1 corridors. The Highlands Act is impacting Sussex County. At the regular meeting of the Highlands Council we heard part of a fiscal impact statement report. The Highlands Council part of the regional master plan review has contracted with a consultant from California to do a fiscal impact analysis of the Highlands Region that is the seven counties and 88 municipalities. It is a three part series. The first report says that the Highlands Act has not had a negative or positive affect on the Highlands region. The second part is a real estate demographic analysis of the Highlands region. When we did discuss the positive and negative impact one of the charts showed that in 2003 the average home in the Highlands region was about \$250,000; by 2008 the average home in the Highlands Region and Preservation Planning area was worth about \$400,000; today in the planning area they dropped \$390,000; and in the preservation area it is down another \$80,000. I asked that that is not a negative? Their response was that it is not statistically significant. When you house is down by \$80,000 that is statistically significant. Residents of the Highland's region need to get involved with the Highland's Act and review the Regional Master Plan. They are comparing west of Lake Hopatcong and the Musconetcong River, Sussex and Warren County with Morristown and Parsippany and Caldwell; you can't make that comparison. They are doing well down there. Our properties values are plummeting.

The point that I want to make is that nobody from Sussex County is involved in this. They had a public comment period and the only person to publicly comment was Steve Oroho; nobody else from Sussex County. We are all talking about our taxes being too high; nobody was there. We are responsible to tell them that we want economic development up here. This presentation was the beginning of looking at where we can make savings in Sussex County to cut taxes. Today, 10,000 of our neighbors are losing their homes. That is 18%; 6% in Morris County. It is different here. The statewide school enrollment is down 1.5%, down 24% in Sussex County. Has anybody gone to the school board meetings and say the school board budgets go up every year and the student population is going down? All of us have to make comments at these public meetings.

Comments by Freeholder Mudrick

- **Skylands Gallery**

Freeholder Mudrick said at the Skylands Gallery in Wantage, New Jersey is celebrating their first anniversary. Their show entitled "Peace of Earth" is going to mark the galleries one year anniversary. Each month at the opening show the artist donates 10% of the sales to a non-profit organization and for the month of December the donations will go to SCARC, this is an organization serving people with developmental disabilities dedicated to empowerment and support of persons with developmental disabilities and their families. Having been to this Gallery in the past, I can tell you if you are able to attend, you will have a very enjoyable evening.

- **Skylands Stadium**

Freeholder Mudrick said he wanted to commend the Skylands Stadium Operation, the second annual Christmas and I glad they used the word Christmas light show from November 20th to January 3rd, 2016. He said the light show is a drive through one mile course which displays are set to holiday music provided by WSUS 102.3 FM and there are more than 2 million and having been to it, I can tell you it is a great program. The light show runs Thursdays and Sundays from 4:30 to 10:00 PM; Fridays and Saturdays from 4:30 PM to 11:00 PM and additional weekends throughout the holiday season.

Freeholder Mudrick said Carl Lazzaro, the mayor of Fredon Township, mentioned me by name when he approached the podium, I wanted to respond and yes it is about doing it right and during my 36 months I have had the privilege to serve the great people from the great county of Sussex. Contrary to what Freeholder-Elect Mayor Lazzaro said in terms of making it more difficult on the contrary I take objection to that. What I would rather state for clarity purposes is that this Board since June and to the public has done just the opposite. We have provided, by a majority vote of four Freeholders, a new County Counsel on very short notice. We lost Mr. McConnell who was just a star; we didn't get an acting County Counsel, we were able by 4 yes votes and a current State Assembly woman who voted in favor of him, we were able to put in place County Counsel to make a more seamless transition for the next Freeholder Board to come in as of January 1, 2016. We were able to put in place not an interim, not acting but a gentleman from four phenomenal candidates all inside workers for the county government were interviewed by this body as a whole.

We were able to put in place a County Administrator who has close to 30 years of administrative and departmental experience and leadership.

The man has done nothing but wonderful things of making recommendations for employments whether it be Rob Maikis, we lost the County Treasurer, yet again a seamless transition for the next Freeholder Board come January. You don't need to find a County Administrator, you have someone that is polished and experienced and beat out three other fine candidates. You have County Counsel seamlessly placed as I had previously stated come January. You have a department administrator of Human Services per the recommendation of our relatively new County Administrator. When I was sworn in and took the Oath in January the last several years to serve, I didn't take that position to micro manage the administration. If I don't like what the administration is doing or doing it right Mayor, than I would look to remove those individuals. These people are doing their jobs. Rob Maikis replaced Bernie Re in the Department of Treasure and Finance and I work as the Liaison to that Department this year. Not only has Rob done 12, 14 hour days and weekends, I know because I am here on Saturdays and Sundays. Rob has also gotten in place Mary Jones for the Division of Finance. All of my comments regarding the process Mayor and the public of the great County of Sussex since June of this year relative to specific to appointments I hear the word crony in letters from a colleague to a Mayor in this County, I hear the word crony from colleagues, what crony? I don't hear specific. Is Steve Gruchacz a crony; Is John Williams a crony, Is Sarah Balzano a crony, Is Rob Maikis a crony, was Mary Jones a crony, the list goes on. These people are highly qualified, dedicated professionals who have earned their seats and by a majority vote of this Board have made a seamless transition well possible Mayor Lazzaro for the people of Sussex and for the new Board and instead of throwing darts at us and getting talking points in the newspaper Mayor, I am probably the one who said the least amount talking points in the newspaper in my three year term for any Freeholder who has ever sat. I will tell you this much Mayor that this Board has worked hard, we have done tireless hours of interviews, we have recommended appointments. Is a crony appointment going to be you Mayor when you serve on the Board, somebody that I disagree with so I call it a crony appointment? Who is the crony appointment? What is more important is the extreme level of dysfunction in our county government caused by a few. The overwhelming majority of Sussex county residents get up every morning Mayor Lazzaro and they go to work a long day so they can support their family and yes so they can pay their taxes Mayor Lazzaro. What they won't expect Mayor Lazzaro is when you serve as a Freeholder and I wish you nothing but the best in a few short weeks for the next 3 years is for the County to be responsible for paved roads, providing for the offices that make them and their families secure and provide other basic services. The core citizen rate of this county does not want, need or have patience for political games Mayor Lazzaro that has occurred since June, actually since February 25, to be more specific, that has affected the County over the 10 plus months and makes even the basic functions of the Board of Chosen Freeholders like appointing positions important positions an extremely difficult and chaotic process and it detracts from numerous real issues and the challenges the County faces and its taxpayers want the Freeholders to address. The people who are an expert in an attempt to profit from political deceptions and gamesmanship that are negatively impacting all of us are well known to those of us who pay attention, Mayor Lazzaro. Their tactics are obvious; their record is the topic of frequent discussions among the good citizens of Sussex County, Major Lazzaro. I say their time is coming to an end. Those who cynically perpetuate negativity, mistrust, misinformation, violation of executive session and outright lies is not what Sussex County wants, needs or tolerate. On behalf of my wife Pam and my family, it really has been a privilege to serve you and another meeting on December 29, yet to attend and fulfill my responsibilities throughout my term to serve you the last three years and to get it right to

the best of my ability, Mayor Lazzaro and the great people of Sussex. I wish you a very Merry Christmas, Happy Hanukah season and a New Year.

Comments by Freeholder Rose

- **Overview of Departments**

Freeholder Rose said on Thursday, December 3rd, Carl Lazzaro and I met with the Department Administrators, the County Counsel and the Clerk of the Board for an overview of the various departments in the County. I want to thank everyone who attended that meeting and giving up your time while Freeholder–Elect Carl Lazzaro and I were brought up to speed. The County is a complicated organization with many moving pieces that I now have a much better understanding of how they fit together thanks to the team who briefed us that day.

On Friday, December 4th, Carl Lazzaro and I met with the principals and consultants who were and are involved in the SunLight General Morris County Improvement Authorities solar deal. Present at the meeting were from the County, myself, Carl Lazzaro, Steve Gruchacz, John Williams, Robert Maikis and Mary Jones. From SunLight General it was Phil Zachery, Joe Shipley, Steve Synder, from VanGuard, John Geraghty, and Vanessa Physk, from Phoenix Advisors, Anthony Inverso and from MCIA Matt Jessup. The meeting was intended as an overview of the solar project and it was very informative. It put, at least for me, the puzzle clearly into view. Before I knew about many of the parts of the solar project but now I know how they fit together and how the actors are connected. There was one surprise from the meeting. No work has been completed on any of the remaining solar buildouts. Since the solar settlement, no physical construction has happened. The county and those working on the project seem stuck in a more of a engineer changes for permits and approvals. This is what killed the first phase of the solar project and I fear that history may be repeating itself. Furthermore, the County took a loan from Mastec in amount of 3.1 million dollars which comes due in May, 2016 and thereafter pays significant interest penalties. This means that the County is on the hook for over \$10 million for the solar settlement not the \$6 million that was originally talked about. Freeholder Director Crabb and other members of the Freeholder Board I call on you: 1. Have the same overview that was given to Freeholder-Elect Lazzaro and me to the public at either a special hearing or during a regular meeting and 2. Convene a sub-committee of the whole at the earliest possible time to discuss the progress of the solar settlement bailout and what can be done to get it on track and the budget repercussions if it does not get on track and gets on track but finishes after May 2016 loan termination date.

On Friday, December 4th, Freeholder-Elect Lazzaro and I met with Ron Tappan and principals involved in the 911 center buildout and commissioning. We discussed the budget, why the buildout occurred and communication infrastructure work that still needs to be done. We also discussed the possibility of moving to a trunked radio system for the county or piggy backing on the state's radio system. I am awaiting Information about the budget, the 911 center and how that would have changed if the 911 center was not implemented. I will share this with the members of the Freeholder Board when I receive it. Further there may be a change to how the County's radio consultants will add trunk radio research. I would ask the Freeholder Board to allow this change so we can learn more about it.

Comments by George Graham

Freeholder Graham said during the public session, 13 people came up and spoke and the first person was Herb Yardley and he said that the information that I have been accused of divulging has been out there for quite some time. It has been spoken about; it has been discussed. I knew it from three different sources and it actually came from Freeholder Director Crabb. It came through other people that he had spoken to him and even had said something to me long before this occurred.

- **Bail Reform**

Freeholder Graham said that Freeholder Vohden is correct. We went down to Trenton and we will have another meeting next week. It is sort of a complicated thing. There are good things and there are things that we do know about. We are hoping that they will be to our benefit. There is a whole dynamic change on how the bail is going to be handled and that is going to require more people in the prosecutor's office but probably have less people in the jail so we will see how this balances out. My fellow Freeholders will look at this very closely and make sure we walk through it as carefully as possibly. When we were there the representatives were from Camden, Passaic, Morris and Sussex County. We are the pilot program and we went down there to see if there was any money down there for the pilot program and there is none. We will see what we can do. Steve Gruchacz was also there and we will look at it closely to see what we can do.

- **Swearing in of Gail Phoebus**

Freeholder Graham attended the swearing in of Gail Phoebus as our Assemblywoman. He said he was very proud of her. He said she is a heck of a lady and she will be heard down there. There is no question.

- **Sylvia Petillo**

Freeholder Graham he has a lot of pride and respect for Sylvia. She was sworn in as the New Jersey League of Municipalities Executive Board member. She is taking the position of Dan Coronado but something tells me Dan cannot be replaced but she will put her own spin on it. He wished her lots of luck.

Freeholder Graham wished everyone a happy holiday.

Comments from Director Freeholder Crabb

- **Clarities**

Freeholder Director Crabb addressed the SCMUA resolutions. He said the reason they were put on this agenda was because and it was not part of the newspaper article but I was contacted four times by the reporters at the NJ Herald about that there is chatter that there could be problems with one of the reappointees. No indication where the chatter was or what could have sparked it but I got concerned about that. The two reappointees Ron Petillo and John Sowden are not cronies. They are incumbent commissioners that have been part of the process that has changed the paradigm of that organization. Frankly, the guarantee of the debt service from SCMUA is one less thing that we need to worry about or at least not at the level that we had been just a couple of years ago. They have set the framework to change the paradigm of that organization to be able to exist and probably there are people not yet born that will retire from SCMUA rather than the imminent closure that is beginning to begin in 2017 and be done in 2019, that is no longer the case. When I heard that there was chatter from a reporter that I didn't know had knowledge of this contacted me and asked me four separate times, I decided to put it on the agenda to make sure these two very important commissioners to the Board got back on. Freeholder Graham delivered a statute to the County offices that indicates, like the one gentleman said, that we can't vote on a reappointment for something for positions where the term is in the next year, I believe Counsel that you have confirmed that. Notwithstanding, this Board did appoint SCMUA commissioners in 2012 and I am trying to find the other one during the December month. We reappointed Wayne Dietz and Karl Meyer back in December of 2012. That being said, the statute is the statute. It is my intention to pull those appointments from the agenda today but with the hope that out of all the organizations that we need to put key people on that there are no political games played with this organization. There is too much as stake to everybody in this room.

- **Drug Alliance Coordinator**

Freeholder Director Crabb said he, Steve Gruchacz and Sarah Balanzo met with Hopatcong's Mayor Sylvia Petillo with very concise concerns about the personnel moves that may appear that would have affected the Drug Alliance coordinator.

It is a difficult situation because we have someone who is so highly regarded by multiple municipalities. It is clear that he has become a critical path to the success of these

programs, especially where these programs are so important not one more than the other but especially in the Borough of Hopatcong. We came out of that meeting yesterday and I asked Sarah and Steve to brainstorm to see if they could come up with some options if at all with regards to this. He said he called Mayor Petillo last night and told her there is an option and what is being proposed is that the Division Director will take over the responsibilities that the Drug Alliance Coordinator would have been moved to with the Chapter 51. Christine Florio has offered to do so with no additional expense to the County. This will allow Nick Loizzi to remain the Drug Alliance Coordinator on an on-going basis. However one of things that we raised that night as just as important as Nick is, it is incumbent upon the County to make sure he has some sort of back up in the case that Nick wants to leave, retire or do something else. It has become clear that he is a key person so we need to make plans to do that. The other conversation was I would like to charge Administration to go through the different divisions for the services that we provide. The County is a provider and needs to act like one in regards to the services that we are maintaining. The maintain is the key work so I am going to ask Steve to find some sort of a review of the services that we do provide and where there are shortfalls, strengths things that we can use and decide on how to move forward with that.

- **Solar**

Freeholder Director Crabb said there has been a lot in the newspapers. One of things that I did on election night and Freeholder Rose can confirm this but I went to the Freeholder elects and said the first thing that I can do is invite you to the agenda meetings and that is a place where you can get your arms around as quickly as you can; the business as usually stuff that we do. It took me a long time to become comfortable with my familiarity. The first portion of that was not only coming to the agenda meetings but making available the division heads for that process and I am sure you will be going back to and certainly that will be available to you and so was the solar discussion. It was not a secret meeting. I was an orientation that I think Freeholder Rose not only got some clarity but looks like he got some discovery on it. That was the reason. Trying to get the same cast of characters and having a meeting with the public, I think is a great idea. I would direct our Administrator to reach out to Matt Jessup and the engineers and whoever thinks this Body thinks would be appropriate to bring back together to take questions like when they took questions for the solar buildout in Morris County.

Freeholder Vohden said at the MCIA meeting set by the Morris County Freeholders, they brought Matt Jessup, MCI attorney who replace Pearlman, their engineer to answer questions and they thoroughly answered every question by every member there. I think if we just brought those two up here, it would be less expensive than bring all of the individuals up here. I think those two people have all the knowledge and I think those two people could answer all the questions that you all have and give you a much better understanding and see that we are in much better shape than a lot of people than it has been reported.

Freeholder Director Crabb said if the Board feels it should be flushed out to more individuals that would be at the convenience of the Board. He asked Steve to find out what costs if any that might be and let the Board say yay or nay but it would be my recommendation that we do that and hold it in an open public session. With regards to Freeholder Rose's comments about the delays, yes there have been. They have been solely permitting. We are on dockets for every place; some of it has been completed now. There was a 30 day period after the permits were received for the soil conversation or something that has to happen. They are in place but they have been pushed back but there are no blocking factors other than the bureaucracy. With Freeholder Rose's comment about having a committee of the whole, I think that is a great idea. I would hope that you would be part of that and recommend it going forward.

Freeholder Director Crabb said this will be the last regular meeting that Freeholder Mudrick will be serving in. It has been a pleasure serving with someone who has a backbone regardless of the consequences. I look forward to an ongoing relationship.

9. APPROVAL OF CONSENT AGENDA

A. RESOLUTION RE: PAYMENT OF BILLS
557-2015

B. RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF
558-2015 ANY SPECIAL ITEM OF REVENUE IN THE 2015
BUDGET OF THE COUNTY OF SUSSEX RELATING TO

THE SFY2015 NJ JARC 1 DHS/TIF OPERATING GRANT AGREEMENT FOR A TOTAL AMOUNT OF \$10,000.00

- C. **RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE 2015 BUDGET OF THE COUNTY OF SUSSEX RELATING TO THE SFY2016 NJ JARC 2 OPERATING GRANT AGREEMENT FOR A TOTAL AMOUNT OF \$60,000.00**
559-2015
- D. **RESOLUTION RE: RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE 2015 BUDGET OF THE COUNTY OF SUSSEX RELATING TO THE FY2015/16 FTA SECTION 5311 FORMULA GRANT FOR OTHER THAN URBANIZED AREAS FOR A TOTAL AMOUNT OF \$1,005,194.00**
560-2015
- E. **RESOLUTION RE: CHANGE IN TITLE, TEXT OR AMOUNT OF APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-85**
(This resolution provides for the reclassification of \$10,000.00 from under the "County Matching Funds for Grants" appropriation to "FTA Section 5316 JARC 1.")
561-2015
- F. **RESOLUTION RE: CHANGE IN TITLE, TEXT OR AMOUNT OF APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-85**
(This resolution provides for the reclassification of \$10,000.00 from under the "County Matching Funds for Grants" appropriation to "FTA Section 5316 JARC 2.")
562-2015
- G. **RESOLUTION RE: CHANGE IN TITLE, TEXT OR AMOUNT OF APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-85**
(This resolution provides for the reclassification of \$111,689.00 from under the "County Matching Funds for Grants" appropriation to "FTA Section 5311.")
563-2015
- H. **RESOLUTION RE: TRANSFER OF APPROPRIATIONS**
564-2015
- I. **RESOLUTION RE: ACCEPTANCE OF FEDERAL FUNDS FOR ENTITLEMENT LANDS AND DISTRIBUTION OF FEDERAL FUNDS FOR PAYMENT IN LIEU OF TAXES**
565-2015
- J. **RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR TO EXECUTE CONTRACT #16-OGUR WITH THE STATE OF NEW JERSEY DEPARTMENT OF CHILDREN AND FAMILIES FOR THE CONTRACT TERM FROM 1/1/16-12/31/16 IN THE AMOUNT OF \$36,874.00 FOR THE PROVISION OF YOUTH INCENTIVE PROGRAM SERVICES**
566-2015
- K. **RESOLUTION RE: AUTHORIZING THE COUNTY OF SUSSEX TO ENTER INTO A SHARED SERVICE AGREEMENT WITH FRANKLIN BOROUGH FOR THE MANAGEMENT OF THE FRANKLIN CONGREGATE NUTRITION PROGRAM IN ACCORDANCE WITH THE PROVISION OF N.J.S.A. 40A:65-1 ET SEQ.**
567-2015
- L. **RESOLUTION RE: AUTHORIZING THE COUNTY OF SUSSEX TO ENTER INTO A SHARED SERVICE AGREEMENT WITH THE HOPATCONG BOROUGH FOR THE MANAGEMENT OF THE HOPATCONG CONGREGATE NUTRITION PROGRAM IN ACCORDANCE WITH THE PROVISION OF N.J.S.A. 40A:65-1 ET SEQ.**
568-2015
- M. **RESOLUTION RE: AUTHORIZING THE COUNTY OF SUSSEX TO ENTER INTO A SHARED SERVICE AGREEMENT WITH THE TOWNSHIP OF VERNON FOR THE MANAGEMENT OF THE VERNON CONGREGATE NUTRITION PROGRAM IN ACCORDANCE WITH THE PROVISION OF N.J.S.A.**
569-2015

- N. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR
570-2015** TO EXECUTE CONTRACT #16ALUN WITH THE NJ DEPARTMENT OF CHILDREN AND FAMILIES TO PROVIDE \$63,836.00 IN FUNDING TO THE SUSSEX COUNTY DEPARTMENT OF HUMAN SERVICES, DIVISION OF COMMUNITY AND YOUTH SERVICES FOR THE PERIOD OF JANUARY 1, 2016 TO DECEMBER 31, 2016
- O. RESOLUTION RE: AUTHORIZATION FOR THE BOARD OF CHOSEN
571-2015** FREEHOLDERS TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2015 DEPARTMENT OF HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING IN THE AMOUNT OF \$110,000.00
- P. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR
572-2015** TO SIGN AND EXECUTE A BUDGET MODIFICATION FOR THE SENIOR CITIZEN AND DISABLED RESIDENT TRANSPORTATION ASSISTANCE PROGRAM (SCDRTAP) WITH NJ TRANSIT TO PROVIDE \$624,757.06 IN FUNDING TO THE SUSSEX COUNTY DEPARTMENT OF HUMAN SERVICES, DIVISION OF SOCIAL SERVICES, OFFICE OF TRANSIT, FOR THE PERIOD OF JANUARY 1, 2016 TO DECEMBER 31, 2016
- Q. RESOLUTION RE: AUTHORIZING THE THIRD AMENDMENT TO THE CONTRACT
573-2015** TO KELLER & KIRKPATRICK, INC. TO PROVIDE ENGINEERING SERVICES FOR THE REHABILITATION OF COUNTY BRIDGES X-09 CARRYING COUNTY ROUTE 565 OVER PAPAKATING CREEK IN THE TOWNSHIP OF WANTAGE AND O-07 CARRYING PASSAIC AVENUE OVER WALLKILL RIVER IN THE BOROUGH OF OGDENSBURG PURSUANT TO N.J.S.A. 40A:11-4.1
- R. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND
574-2015** THE CLERK OF THE BOARD TO EXECUTE MUNICIPAL ALLIANCE BUDGET MODIFICATION ALLOCATING AN ADDITIONAL \$1,500.00 TO THE FRANKLIN/HARDYSTON MUNICIPAL ALLIANCE FOR THE PROVISION OF AN ADDITIONAL SUBSTANCE ABUSE PREVENTION PROGRAM
- S. RESOLUTION RE: AUTHORIZATION FOR THE FREEHOLDER DIRECTOR TO
575-2015** APPLY FOR AND ACCEPT CONTRACT #16-541-ADA-0 WITH THE NJ DEPARTMENT OF HUMAN SERVICES, DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES PROVIDING \$324,351.00 IN FUNDING TO THE SUSSEX COUNTY DEPARTMENT OF HUMAN SERVICES, DIVISION OF COMMUNITY AND YOUTH SERVICES FOR THE PERIOD OF JANUARY 1, 2016 TO DECEMBER 31, 2016
- T. RESOLUTION RE: AUTHORIZING THE PURCHASE OF SOFTWARE
576-2015** MAINTENANCE SUPPORT FROM GRANICUS INC. TO BE UTILIZED AT THE SUSSEX COUNTY CLERK'S OFFICE
- U. RESOLUTION RE: AUTHORIZING AMENDMENT #2 TO AN AWARDED
577-2015** CONTRACT FOR ELECTRICAL ENGINEERING (P.E.) PROJECT MANAGEMENT/IMPLEMENTATION REGISTERED COMMUNICATIONS DISTRIBUTION

DESIGNER

- V. RESOLUTION RE: AUTHORIZATION FOR THE PURCHASE OF SYSTEM ENHANCEMENTS TO THE COUNTY OF SUSSEX ON-BASE ENTERPRISE DOCUMENT MANAGEMENT SYSTEM
578-2015
- W. RESOLUTION RE: AUTHORIZATION TO PROVIDE ON-CALL ENGINEERING SERVICES EVALUATION FOR VARIOUS BRIDGES P-28, S-25, S-26 AND X-11
579-2015
- X. RESOLUTION RE: AUTHORIZING ENTRY INTO A PROFESSIONAL SERVICES AGREEMENT WITH RHM BENEFITS, INC. TO PROVIDE BROKER SERVICES FOR HEALTH AND PRESCRIPTION DRUG INSURANCE WITHOUT COMPETITIVE BIDDING AS AN EXTRAORDINARY UNSPECIFIABLE SERVICE PURSUANT TO N.J.S.A. 40A:11-5(1)(m)
580-5012
- Y. RESOLUTION RE: AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH HAMBURG MEDICAL ASSOCIATES, PRIMARY CARE PARTNERS LLC FOR THE PROVISION OF PHYSICIAN SERVICES FOR THE INMATES WITHIN THE KEOGH-DWYER CORRECTIONAL FACILITY PURSUANT TO N.J.S.A. 40A:11-5(1)(a)(i)
581-2015
- Z. RESOLUTION RE: AUTHORIZING THE PURCHASE OF SOFTWARE MAINTENANCE SUPPORT FROM SIRSIDYNIX CORPORATION TO BE UTILIZED AT THE SUSSEX COUNTY LIBRARY SYSTEM
582-2015
- AA. RESOLUTION RE: APPROVAL OF THE FISCAL YEAR (FY) 2016 ANNUAL TRANSPORTATION PROGRAM (ATP) STATE AID PROJECT POOL FOR THE COUNTY OF SUSSEX AND AUTHORIZATION FOR THE FREEHOLDER DIRECTOR AND BOARD CLERK TO EXECUTE AN AGREEMENT FOR STATE AID TO COUNTIES UNDER THE NEW JERSEY TRANSPORTATION TRUST FUND AUTHORITY ACT IN THE AMOUNT OF \$2,470,100.00 FOR FY 2016
583-2015
- BB. RESOLUTION RE: AUTHORIZING THE COUNTY OF SUSSEX TO ENTER INTO A LICENSE AGREEMENT WITH CROWN ATLANTIC COMPANY LLC ALLOWING THE SHERIFF'S COMMUNICATIONS CENTER TO INSTALL, OPERATE AND MAINTAIN TOWER-MOUNTED COMMUNICATIONS EQUIPMENT
584-2015

The Board of Chosen Freeholders of the County of Sussex has reviewed the Consent Agenda consisting of various proposed Resolutions and determined that adoption of the said Resolutions is in and will further the public interest.

MOTION made by Freeholder Vohden to adopt the Resolutions, seconded by Freeholder Graham

Discussion

Freeholder Rose said he has to sustain from number 1 because some of his customers are on the list.

Freeholder Director Crabb said you can sustain from individual ones in the future.

Freeholder Rose said I am not familiar with that process under Robert's Rules of Order.

Freeholder Director Crabb said going forward you can tailor it to the ones you want.

Cathy Williams asked if it is a particular vendor.

Freeholder Rose said there are multiple vendors.

Freeholder Graham asked about the added resolution. He said he read through it and wanted to know if there is amount.

County Counsel said it was a requirement when the approval to erect the new tower in Fredon went up.

On Roll Call the vote was:

Freeholder Graham	Yes
Freeholder Mudrick	Yes
Freeholder Rose	Yes, sustaining from item 1
Freeholder Vohden	Yes
Freeholder Director Crabb	Yes

10. APPROVAL OF MINUTES

Regular Meeting - November 24, 2015

Executive Session Minutes

Regular Meeting – November 24, 2015

MOTION made by Freeholder Graham to approve the minutes from the Regular Meeting and the Executive Session Meeting, seconded by Freeholder Vohden and passed unanimously.

11. APPOINTMENTS AND/OR RESIGNATIONS

A. Appointments

1. RESOLUTION RE: REAPPOINTMENT OF RONALD PETILLO AND JOHN M. SOWDEN AS MEMBERS OF THE BOARD OF COMMISSIONERS OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY. SAID TERM TO BE EFFECTIVE FEBRUARY 1, 2016 AND EXPIRE JANUARY 31, 2021
PULLED

12. RESOLUTION

- A. RESOLUTION RE: PROVIDING TEMPORARY CLOSURE OF CR 607 IN HOPATCONG BOROUGH
585-2015
- B. RESOLUTION RE: ESTABLISHMENT OF "FIRE PREVENTION SPECIALIST" AND SALARY RANGE
TABLED
- C. RESOLUTION RE: ESTABLISHMENT OF "SUPERVISOR OF TRADES" AND SALARY RANGE
TABLED
- D. RESOLUTION RE: REJECTION OF ALL BIDS FOR THE AWARD OF CONTRACT FOR SUSSEX COUNTY ADMINISTRATIVE CENTER PARKING GARAGE FIREPROOFING
588-2015
- E. RESOLUTION RE: FINAL ADOPTION OF THE SCMUA WASTEWATER PLAN AMENDMENT FOR CONVEYANCE OF LANDFILL
589-2015

LEACHATE

MOTION made by Freeholder Mudrick to approve with the exception of B & C, seconded by Freeholder Vohden

Discussion

Freeholder Mudrick said reason being what Mr. Danielson said until we get clarity on those established positions, if we could table that until the December 29th meeting meaning there is no sense of urgency on those establishments and ranges, I would like to make a motion that we approve A-E but pull B & C.

Freeholder Director Crabb said so the motion will be the approval of A, D & E, seconded by Freeholder Vohden to that amended motion and passed unanimously.

Freeholder Director Crabb said a motion would be in order to table Resolutions B & C.

Freeholder Rose said you cannot table something that you do not have a motion and second yet. If the Freeholder Board were not to make a motion and second then this would disappear and you can bring it back up on the next agenda or alternatively make a motion; second then make a motion to table.

MOTION made by Freeholder Director Crabb to table Resolutions B & C, seconded by Freeholder Graham

Freeholder Rose made a motion to table these Resolutions until the next regularly scheduled meeting, seconded by Freeholder Director Crabb and passed unanimously.

13. AWARDS OF CONTRACTS/CHANGE ORDERS/BIDS

A. Awards of Contract

1. **RESOLUTION RE: AWARDED A CONTRACT THROUGH THE COMPETITIVE CONTRACTING PROCESS TO NEWBRIDGE SERVICES, INC. FOR OUTPATIENT PSYCHIATRIC AND COUNSELING SERVICES**
590-2015
2. **RESOLUTION RE: AWARD OF CONTRACT BASED ON PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR THE PROVISION OF WEEKDAY AND WEEKEND HOME DELIVERED MEALS WITH CATHOLIC FAMILY & COMMUNITY SERVICES FOR THE PERIOD OF JANUARY 1, 2016 – DECEMBER 31, 2016**
591-2015
3. **RESOLUTION RE: AWARD OF AGREEMENT BASED ON PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR THE PROVISION OF FOOD SERVICE FOR THE WEEKDAY AND WEEKEND HOME DELIVERED MEALS PROGRAMS WITH NEWTON MEDICAL CENTER FOR THE PERIOD OF JANUARY 1, 2016 TO DECEMBER 31, 2016**
592-2015
4. **RESOLUTION RE: AWARD OF AGREEMENT BASED ON PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR THE PROVISION OF FOOD SERVICE FOR THE CONGREGATE NUTRITION WITH NEWTON MEDICAL CENTER FOR THE PERIOD OF JANUARY 1, 2016 TO DECEMBER 31, 2016**
593-2015
5. **RESOLUTION RE: AWARD OF CONTRACT BASED ON PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR THE PROVISION**
594-2015

OF CERTIFIED HOME HEALTH AIDE SERVICES
WITH RES-CARE NEW JERSEY, INC. D/B/A
RESCARE HOMECARE FOR THE PERIOD OF
JANUARY 1, 2016 – DECEMBER 31, 2016

6. **RESOLUTION RE: AWARD OF CONTRACT BASED ON PROPOSALS
595-2015** RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR THE PROVISION OF SENIOR TRANSPORTATION (STOP) WITH SUSSEX COUNTY OFFICE OF TRANSIT/SKYLANDS RIDE FOR THE PERIOD OF JANUARY 1, 2016 THROUGH DECEMBER 31, 2016
7. **RESOLUTION RE: AWARD OF CONTRACT BASED ON PROPOSALS
596-2015** RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR THE PROVISION OF ASSISTED TRANSPORTATION WITH CATHOLIC FAMILY & COMMUNITY SERVICES FOR THE PERIOD OF JANUARY 1, 2016 TO DECEMBER 31, 2016
8. **RESOLUTION RE: AWARD OF CONTRACT BASED ON PROPOSALS
597-2015** RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR THE PROVISION OF LEGAL ASSISTANCE WITH LEGAL SERVICES OF NORTHWEST JERSEY, INC., SUSSEX COUNTY DIVISION FOR THE PERIOD OF JANUARY 1, 2016 – DECEMBER 31, 2016
9. **RESOLUTION RE: AWARD OF CONTRACT BASED ON PROPOSALS
598-2015** RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR THE PROVISION OF ADULT PROTECTIVE SERVICES (APS) WITH SUSSEX COUNTY DIVISION OF SOCIAL SERVICES FOR THE PERIOD OF JANUARY 1, 2016 THROUGH DECEMBER 31, 2016
10. **RESOLUTION RE: AWARD OF CONTRACT BASED ON PROPOSALS
599-2015** RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR THE PROVISION OF RESIDENTIAL MAINTENANCE WITH NORWESCAP, INC. FOR THE PERIOD OF JANUARY 1, 2016 THROUGH DECEMBER 31, 2016
11. **RESOLUTION RE: AWARDED A CONTRACT THROUGH THE
600-2015** COMPETITIVE CONTRACTING PROCESS TO DOMESTIC ABUSE AND SEXUAL ASSAULT INTERVENTION SERVICES, INC. FOR THE TRAUMA RECOVERY AND EMPOWERMENT GROUP
12. **RESOLUTION RE: AWARDED A CONTRACT THROUGH THE
601-2015** COMPETITIVE CONTRACTING PROCESS TO FAMILY INTERVENTION SERVICES FOR OUTPATIENT PSYCHIATRIC AND COUNSELING SERVICES
13. **RESOLUTION RE: AWARDED A CONTRACT THROUGH THE
602-2015** COMPETITIVE CONTRACTING PROCESS TO SUSSEX COUNTY SKYLANDS RIDE FOR TRANSPORTATION SERVICES

14. RESOLUTION RE: AWARD OF CONTRACT EXTENSION BASED ON PROPOSALS RECEIVED THROUGH THE COMPETITIVE CONTRACTING PROCESS FOR DATA PROCESSING SOFTWARE/SERVICE TO PROVIDE INTERCONNECTED MODULES FOR PAYROLL, TIME/ATTENDANCE AND HUMAN RESOURCES INFORMATION SYSTEM
603-2015

15. RESOLUTION RE: AWARD OF CONTRACT FOR THE REPLACEMENT OF SUSSEX COUNTY BRIDGE O-07 IN OGDENSBURG BOROUGH, NEW JERSEY
604-2015

16. RESOLUTION RE: AWARD OF CONTRACT FOR THE PURCHASE OF TWO (2) CURRENT MODEL YEAR FREIGHTLINER MODEL SD OR EQUAL (CAB AND CHASSIS)
605-2015

MOTION made by Freeholder Graham to adopt these Resolutions, seconded by Freeholder Vohden

On Roll Call the vote was:

Freeholder	Graham	Yes
Freeholder	Mudrick	Yes
Freeholder	Rose	Yes
Freeholder	Vohden	Yes
Freeholder	Director Crabb	Yes

14. FINANCIAL

None for tonight.

15. PERSONNEL

A. Personnel Agenda

MOTION to accept the Personnel agenda made by Freeholder Graham, seconded by Freeholder Mudrick and pass unanimously.

16. ADMINISTRATIVE REPORT

A. Other

No report tonight.

17. COUNTY COUNSEL

A. Capital Projects

B. Litigation

C. Contract

D. Other Matters

County Counsel had an update on the process of the executive session issue. In contact with the Department of Community Affairs the Division of Local Government Services, the process is that a filing of a complaint is reviewed for violation of the Local Government Ethics Law. We would put together a summary of the allegations and relevant materials and I assume that would include the executive session minutes which have now been released and or/ tapes and the correspondence that has been issued. It is assigned to a staff member for preliminary investigation, which is to assess jurisdiction and whether there is a reasonable factual basis; if it moves on, there might be further investigation and ultimately there is a decision by the Board. The Board decision is confidential for 30 days after it is issued. The way the DCA is arranged or set up the Board is the local Finance Board.

MOTION made by Freeholder Vohden that we follow through on that, seconded by Freeholder Mudrick

Freeholder Graham said make sure you include the minutes from tonight's meeting.

Freeholder Director Crabb said we will include everything that is deemed appropriate.

Discussion

Freeholder Vohden said we have several interpretations of what should and should not be released from executive session. We are a nation of laws. We have county laws; we have state statutes that specifically spell out what we can discuss, what should be discussed in executive session and what can be released from executive session.

We went into executive session, the reasons were stated, a motion was made, Freeholder Graham seconded the motion, we went unanimously into executive session, it was a legal executive session and whether it was legal or not legal for the reasons we went in, I definitely believe it was legal, but whether it was or was not, it was a legal executive session. Confidential information cannot be released. We cannot pick and choose our laws. For an example, the release from the solar settlement, that was a very egregious release and the penalties on that would have been much higher because that put in danger the receipt of federal funding, if something happened to the 1603 federal funding, we could have lost all of our funding. You cannot release the information. All information from executive session is confidential until it is released. We cannot pick and choose what we want; we have to abide by the laws, by the statutes of the State of New Jersey.

Freeholder Rose said Mr. Williams said typically there requires a complaint for the DCA process to begin, who would be the complainant in this process. There has to be a person.

County Counsel said County of Sussex or maybe more particularly the Board since the motion is from the Board.

Freeholder Rose there needs to be person named.

Freeholder Vohden said it was unanimous.

Freeholder Rose said it was unanimous to make an investigation, what you need is a complaint against somebody for specific allegations, and the Board has not done that.

Freeholder Vohden made a motion that I be the complainant.

Freeholder Rose said you can do that without the Board's approval.

County Counsel said the DCA process is not that formal. From what I understand in speaking to them, it would be sufficient if it comes from the Board of Chosen Freeholders.

Freeholder Rose said what comes from the Board of Chosen Freeholders?

County Counsel said the complaint and the request for them to make the investigation and review if for violation of the law.

Freeholder Rose said an investigation and a complaint are two separate things, which one are we asking for?

County Counsel said part of the process after the complaint is made is that they do an investigation which just simply means, from what I understand, is they do a review on what was sent to them. They are limited to violations of local government ethics law.

Freeholder Rose said so what needs to occur is a complaint, a formal and specific complaint needs to occur as well as supporting documentation needs to be sent down.

County Counsel said I think what you may be doing is thinking of a complaint in the vernacular, like in litigation, where the process of a complaint is itself guided by statutes all the way down to court rules. Being an advisory body like this they are not this formal.

Freeholder Director Crabb said are you suggesting we take two actions here, one as a Board asking for the investigation that we talked about and then second separately someone would need to sign on as the complainant.

Freeholder Rose said the DCA is not an investigative body and I believe Mr. Williams might disagree with this but typically they do not investigate. You can certainly ask them but they are going to say they are not an investigative body.

County Counsel said this is from their website, Ethics: Administration of the local government Ethics' Law is the responsibility of the local finance board.

Annual financial disclosure statements for local official's minimum ethical standards for local government employees, investigation complaints and the issuance of advisory opinions all fall within the prevue of the Board. I was told that the distinction here for what this Board asked for at the last meeting is between a complaint and an advisory opinion and because the alleged event has occurred; it is a complaint not an advisory opinion.

Freeholder Director Crabb asked Freeholder Rose is there a different direction that we should be going with this?

Freeholder Rose said I am not sure, typically the DCA does not have investigators so you send them a complaint with paperwork that backs up the allegations and they will follow through and review it.

Freeholder Vohden said they will review and that is an investigation.

Freeholder Rose said as a Freeholder member I would be comfortable asking for an investigation, I voted affirmative for that, but I would not be comfortable if we are making a specific allegation about a specific person.

Freeholder Vohden said you voted unanimous.

Freeholder Rose said I voted to have an investigation; that is different than filing a specific complaint against a specific person.

Freeholder Director Crabb I think the investigation could be whether this alleged leak of information from closed session would be subject to having an investigation.

Freeholder Vohden said that is what we voted on.

Freeholder Rose said again, you voted on having an investigation and I do not believe having an investigation...

Freeholder Vohden said we voted to look into filing a complaint with the proper authorities.

Freeholder Rose said there is a very important distinction between a complaint and an investigation.

Freeholder Vohden said I have been told by Mr. Cunningham, I believe, who is in charge of the DCA Investigative Unit that there was a unanimous complaint filed on the release of the information to the paper for the solar settlement. That may or may not still be under investigation. You cannot get the results.

Freeholder Director Crabb said I think the motion would be to raise this issue that we have been discussing with the appropriate agencies which looks like the DCA even if it is the local finance board. If it is determined from them that it looks like there could be an ethical issue then filing a complaint would be done as a follow-up.

Freeholder Vohden said I suggest we follow the advice of our legal counsel who has spoken with the authorities. If we need an individual, I will do that.

County Counsel said I don't think we need an individual at all. Again, the DCA will be determining whether there was a violation of the local government ethics law and because you are not asking for an opinion as to whether if something might happen is ethical you are asking for an opinion for something that has happened and if it violates the local government ethics law; they call it a complaint. That is it. The process is not more formal than the specific distinction which was represented to me when I spoke to the Division of Local Services.

Freeholder Rose said so just to be clear what will happen is an actual letter will come from the County saying please investigate this issue that we believe may or may not have violated ethics.

County Counsel said it would say we are filing a complaint and we are requesting you to advise whether there is a violation of the local government ethics' law. This is the situation, these are the minutes whatever else you want to send to them and then they will render an opinion.

Freeholder Rose asked do you intend to name specific people, or do you intend to say there was a release of information?

Freeholder Director Crabb said they are going to have the meeting minutes, meeting audio and it will all be apparent.

Freeholder Vohden said there are no big penalties or big fines. But I think it is important to determine how we are going to follow the statues. As we going to allow this to happen, are we going to pick and choose what we can release from executive session, are we going to say I can release any information that I anticipate could happen in executive session. We had a meeting with the prosecutor. I knew what was going to happen at that meeting; I could have written a resolution on what was going to happen at that meeting, I could have released that information. That would have been a release of confidential information. Are we going to allow that? Are we going to allow each one of us to pick and choose what we think is transparency or are we going to follow the law of the state of New Jersey?

Freeholder Rose said just to be clear, if I have information in my possession prior to an executive session and then later it becomes an executive session material it retroactively becomes privileged?

Freeholder Vohden said no. When you go into the executive session and you report what was said in executive session what was presented in executive session even though I anticipated it or the information I had. We all had some information of what we were going to discuss in executive session but we did not have all the details.

Freeholder Director Crabb said we are not holding a hearing here.

Freeholder Graham said actually you are holding a persecution, that is what you are doing. First of all there was nothing divulged that was said in executive session. Once again for the record, the resolution was written weeks before any discussions were held. All facts associated and included in the resolution in question were publicly known and circulated by none only Freeholder Director Crabb himself months earlier. In fact, our first speaker came up here and said that very same thing, Mr. Herb Yardley. I gained first knowledge of this when Phil told me what they were going to do. He said it was Passaic County that was involved. I didn't understand the whole Passaic county thing. Passaic County seemed to be the public name and Pequannock was the private name. Neither one of those ever occurred in anything that was written out there. This made no sense. Then I learned that Phil told others on the Franklin Fire Department of the plan months ago. This conversation was relayed to me as to the conversation that Phil told someone at a Boy Scout dinner. It was all out there. The only secret was when they were going to do it. We also knew this was going to happen when the Health Officer was left out to dry for months, not approving of requests, employee replacements, emails or phone calls. When I asked him directly the person in particular about this in September and October about the realignment of the department of Human Services, he invasively answered my questions and was indigent on what we talked about. I pressed for a meeting that occurred on September 30 to clear up a lot of issues with this department. The meeting was then very telling from my understanding from those involved with the time indicated whether they had to bring in Herb Yardley to clean up the issues years ago. This seems to be something personal with the Health Department. Make sure you get this in the minutes and Herb Yardley. And also Mr. Williams, I also handed you a letter days before Mr. Crabb mailed a letter and I never got the respect of a response. You took the letter and threw it in your inbox and that was the last that anything was done with it. I would like to know, if we are going to go through with this, do I get a counsel, because you obviously are working for somebody but it is not for the whole Board.

County Counsel said that is an inaccurate conversation regarding the letter. It was not finalized. You have a draft of a letter with no date on it.

Freeholder Director Crabb said I just heard a statement that had a lot of ghosts in it. Somebody said this, somebody said that.

Freeholder Graham said well somebody made statements that weren't actually said in closed session.

Freeholder Director Crabb said the Boy Scout dinner, I haven't been to. This is more of a reason that we need to get this to an independent agency and we can put all the ghosts out there and have somebody determine it.

Freeholder Vohden said I also said we should put the audio tapes out there so we can hear the comments by the members of the Board in executive session that will disprove some of the comments made here. It is clear. It is loud and clear, if you listen to all the comments and statements made in executive session.

Freeholder Director Crabb said we can go back and forth here but we are not going to get anywhere here.

Freeholder Vohden said this is a simple matter but it is a really important matter. We can't allow what we discuss in executive session to be released until it is determined that it is releasable by the attorney.

Freeholder Director Crabb said and that is what I would like the appropriate agency determine for us.

Freeholder Rose asked is there currently a motion and second on the floor? What was it for?

Freeholder Vohden said the motion was to follow through on the procedure to investigate to review the executive session release.

Freeholder Rose said and that was seconded?

Clerk of the Board said yes it is, there have been many and that is the last one the final one.

Freeholder Rose said again, so what specifically are we going to do? Are we going to send a letter to the DCA?

Freeholder Vohden said we are going to follow the proper procedures.

Freeholder Director Crabb said the way I see it is we are going to communicate to the DCA the concerns we had about this action and provide whatever supporting documents one way or the other that would be appropriate from anybody and then have them determine whether there is if anything to move forward on.

Freeholder Rose asked County Counsel if the Freeholder Board went into executive session in error, does that information continue to remain confidential.

County Counsel said I don't know the answer to that.

Freeholder Vohden said we cannot pick and choose.

Freeholder Director Crabb again, that would be something we are starting with the DCA.

Freeholder Vohden said last week we went into executive session with the prosecutor and if I determine that I don't think it should have been discussed and I call the paper and I tell them what went on, I can't determine that. We voted unanimously to go into executive session knowing everything that we discussed will be confidential, we voted unanimously to come out of executive session and some of the information was released. This is not personal. It is the principal.

Freeholder Graham said this is sour grapes and it is a witch hunt.

Freeholder Vohden said I am not making it personal.

Freeholder Graham said you have been making it all personal.

Freeholder Vohden said it is the principal that we cannot continue to release information from executive session. We are a nation of laws.

Freeholder Graham said nothing was released from executive session.

Freeholder Director Crabb said we are not going to hold court here.

Freeholder Graham said you did hold court here. Nothing was ever released from executive session that resolution had to do with the fact that they were going to make changes in the Health Department and bring it under Human Services. That was a well-known fact all around the organization for months.

Freeholder Vohden said let the statements speak for themselves and please release the audio so that we can hear from audio.

Freeholder Graham said and make sure you put in there that you never answered my letter Mr. Williams.

County Counsel said I am not going to comment on inaccurate comments.

Freeholder Graham said it is not inaccurate.

County Counsel said what I will do is make sure there will be no more inaccuracies with communications or meetings that we have because I disagree with that and the face of the letter was a draft and that is how it was presented to me. Nevertheless what I can do is add the cover correspondence that I prepare for transmission to the DCA which I will have enclosures, I will send out to the Board and if anyone wants anything else added, we will send it. There is no reason that they shouldn't have as much information as everybody wants them to see.

Freeholder Vohden asked does everybody at least agree that we are not going to pick and choose what laws we are going to obey; that we cannot make the decision on our own to release the information from executive session. Does everybody agree with that?

Freeholder Rose said I am not sure if I agree with that, I need to have Mr. Williams counsel us to whether something is not privilege whether it still falls within the executive session.

Freeholder Vohden said you believe that it could be your decision to release information that you think is legal.

Freeholder Rose said Mr. Vohden you are not an attorney, Mr. Williams is.

Freeholder Director Crabb said you have the right to ask Counsel for ever clarity you need on any subject.

Freeholder Rose said it certainly is your main discussion though because if the items that were discussed in executive session were not privileged then in fact it is not a problem to release then there has been no ethical violation and no laws being broken.

Freeholder Director Crabb asked Freeholder Rose if he has had the opportunity to read the minutes and listen to the audio.

Freeholder Rose said yes.

Freeholder Director Crabb said with regards to that with whatever conclusions that you come to certainly you would be free to express but I think at this point we have a motion on the table and a second to submit this at least to the DCA at this point and we have had our discussion.

On Roll Call the vote was:

Freeholder Graham	abstain
Freeholder Mudrick	Yes
Freeholder Rose	Yes
Freeholder Vohden	Yes
Freeholder Director Crabb	Yes

County Counsel said the purpose of judicatory body like this whether informal or formal is to render an independence to a situation where there are two sides even if highly contested so again, I will send the draft out and attach the approval to that and there is certainly nothing inappropriate or why we can't make that part of the process; I don't mind putting it in and that it would be appropriate to address Freeholder Rose's concern and we can indicate that it is an issue and we ask the DCA to address as part of its consideration and if there is a violation and add that as a condition to the consideration and then the independent body can answer the question.

Freeholder Director Crabb said I think we are at the point that we need an independent body to answer these questions and give us clarity.

Freeholder Mudrick said it was at our last meeting for the public who may not have been here but for the better part of this year the words accountability and transparency have been very evident circulating there out. I applaud Freeholder Graham and not to misquote but there was an angry fist pounding by him at the last meeting welcoming when the motion that was placed or

when we discussed going to the Division of County Affairs, he did vote in favor of that and I commend that. There is nothing that should be hidden that has a potential of being an ethics violation and we should not and I agree with our director that we should not be holding court up here, that is why you have the Division that can handle such matters so that we get an eventual outcome to this.

18. UNFINISHED BUSINESS

None for tonight.

19. NEW BUSINESS

None for tonight.

20. PUBLIC SESSION FROM THE FLOOR

(Please note: Everyone is asked to keep their comments to 5 minutes or less)

MOTION made by Freeholder Mudrick to open the floor to the public, seconded by Freeholder Rose

Comment made by Mayor Petillo

Mayor Petillo thanked Freeholder Crabb and Steve Gruchacz for coming down. We had a long talk yesterday and you not only listened but you actually heard what I was trying to say and I want to commend you for taking action and restoring that job and I am extremely grateful. Having said that, I am compelled to say something that I just saw happened here. I have heard the words accountability, I have heard the words of transparency and I have read the paper where it said a breach of public trust. I want to say that I heard a reputable person come up to this microphone and tell you that he knew about this months before and here you are talking about investigating and sending it down to the state. Why don't you sit down and talk to Mr. Yardley and find out what he was talking about before we get embarrassed again. It is enough with the newspapers; it is enough with going after each other. If you want to talk about trust and I know all of you personally and I love all of you personally, but this is despicable to me. You did no due diligence when you went into that solar project that protected the residents of the county. You gave a hold harmless agreement, don't shake your head at me, because this is costing us millions of dollars that protected everybody, everybody except the county and the tax payers and we are going to pay millions of dollars; that is a breach of trust. That is a lack of transparency and a lack of accountability. What is going on here is just going to be one more disaster in the newspaper because you seem to hate each and you can't get along. Sit down with Mr. Yardley, find out what is going on and if you feel that he is not telling you the truth, dismiss it, then make a vote to go down to the state. Don't go down to the state first because a reputable person who you all know and trust, who has worked for you for years, makes a statement like that in public. It should be reviewed by your lawyer and it should not be dismissed. I am just at the point with this whole situation going on, all the money that it is being spent, all the things that are happening, all the fighting, all the bad publicity- you are destroying the reputation of this County.

Comment made by Mr. Clark

Mr. Clark from Branchville came forward and said I think you need to put your big boy pants on. The school board stuff you need to get over it, we have bigger fish to fry.

Comment made by Glenn Hull

Mr. Hull from Sandyston Township came forward and said he finds something very disturbing and it is going to get mixed up but what I am seeing is a witch hunt and what I am seeing is public knowledge prior to executive session from what I am hearing was mentioned, something that was public knowledge was brought into executive session and now you are shutting down what was previously said is what it looks like. That is what the appearance of this is. It was stated that this statement was made prior to the executive session so now the statement has come into executive session, how do you chastise someone for what was previously said through executive session. To me I think it is to discredit Mr. Graham what you are doing. I think what I just heard tonight is there is an extra \$3.1 loan, if I am hearing it right, and it there is why was that that withheld from the public? Is there interest on it? What is the cost to the public, why was that not public knowledge to the Sussex County tax payers? It seems to have been omitted from the public. It makes you look bad.

Director Freeholder Crabb said it has been in the public for a long time.

Mr. Hull said it was never in the paper.

Freeholder Director Crabb said I cannot speak for the paper but it has certainly been out there.

Mr. Hull said you can't speak for the public but for some reason that information has been withheld from the public. It makes this county look worse than it is.

Freeholder Director Crabb said it has not been withheld.

Mr. Hull said the way I see it, previously mentioned words are now in executive session and now you are going to chastise somebody because they previously stated something that was later made into executive session. I don't see how you can chastise someone for what was previously said.

Director Freeholder Crabb said if negotiations were being talked about before executive session was held and you went into executive session for the specific reason of those negotiations, are you saying that they cannot be confidential at that point because they have been discussed before, that is not the law.

Mr. Hull said if this all took place before executive session then I don't see what you are doing.

Director Freeholder Crabb said you might not see it but that is not the law.

Mr. Hull said you do not understand if something was said prior to executive session and out in the public, how can it now be considered executive session statements after the fact?

Director Freeholder Crabb said in this case because it was the first official discussion that we held that could have related to restructuring a county department that is why organizations call executive session, especially if there is going to be no action taken and not going in that direction. Why would you upset staff? That is why we go into executive session. That is what we did. You can get the audio and written minutes.

Freeholder Vohden said the audio has not been released. I would like to make comments to the Mayor and yourself. From the executive session, I am not going to release information from the executive session that I feel is pertinent here because it has not been released. When it is released you will hear statements made by some of the freeholders that will clarify this whole thing and show that there is good reason for this to go to Trenton. I am not going to release information from executive session that would make the argument a lot clearer but we cannot release information. Listen to the audio when it is released.

Mr. Hull said my point is if this was previously mentioned prior to executive session...

Mr. Vohden said please listen to the audio and that argument gets wiped out.

Mr. Hull said but if there was some type of document written before executive session, I don't see how this can be an issue.

Director Freeholder Crabb said I think you are trying to judge us from a couple of rooms away and I am saying that is why we are sending it to the DCA.

Mr. Hull said you obviously feel there is a breach of trust and I feel there is a breach of trust in the county with what's happened with my family because nothing has happened. It was definitely a criminal activity; the price fabricated why won't you do something about this? Write a resolution or do an investigation.

Director Freeholder Crabb because we don't know the facts.

Mr. Hull said the facts are stated right on the Deed.

Freeholder Director Crabb said we are not a judicial body. We are a body that follows Robert's Rules of Order and we are getting clearly out of order.

Mr. Hull said so write a resolution and ask for an investigation that is what I am asking for. I see a very inefficient Board up here.

Director Freeholder Crabb said Thank you Mr. Hull.

Mr. Hull said so you are going to ignore my request?

Director Freeholder Crabb said it is not something we can act on.

Mr. Hull said you could write a resolution.

Director Freeholder Crabb said I am not going to debate this any farther.

Comment made by Skip Danielson

Thank you for withdrawing Resolution B and C. He said he wanted to give a little history. He said before he came here in 1971 and set up the Byram Police Department, I was told there were police departments in Stanhope, Sparta, Hopatcong and Green Township so I wanted to go out and meet these people. One night I was told Chief Shotwell would like to see you. Ralph Shotwell was the Chief of Police for the Township of Green police department and at that time Townships would have seasonal police departments and non-permitted police department. I did get to meet him and I was jealous. He had a 1971 full boat Fury III Plymouth Police car color green. He was a wonderful character. He provided help; he and his police officer John Able were valuable to us when. I want him remembered also as he served the country.

Comment made by Chris Quinn

She said just a couple of things upon listening to everything here tonight. In the interest of full disclosure and transparency, I would like to make a recommendation. I think there is a lot of work that needs to be done. I think the work can be done and I think we have the Board of Chosen Freeholders and each municipality has its own government and I would like to make some type of recommendation that you consider holding a forum or open up some type of communication because to be honest with you I found out about this in the newspaper. I didn't know anything about this. The other thing is between you and the municipalities and all the services that you have, in my opinion, I think there are opportunities together because I don't think the dialogue is there. I think you are coming up with services that you think we need but I think we can do a better job in making sure that the communication goes both ways. I really think that is an opportunity and I would like you to consider that. Let people become part of the solution with you so it is not dumped in your lap but in order to do that we need to open up dialogue. I think it will be beneficial to start talking about the needs for everybody and move in one direction together, unified to get to one goal.

The other thing was a question, with regards to positions, and placements within the county what is the standard protocol in posting positions externally so when positions and people move around what is by law or what is by policy your procedure on posting those? The reason I am asking is because there has been a lot of movement and we have talked about opportunities before but I have not seen any jobs posted on the website.

Freeholder Director Crabb said I don't think we have jobs on the website; everything is covered by civil service conveyance whatever the process is for civil service.

Chris Quinn said if you are not just moving people around externally then at some point there are positions that are open that you can't back fill with internal personnel.

Freeholder Director Crabb said I don't want to speak to something I am not a savant on but I know first postings are internal and there is a period for that and if there are no candidates or no suitable candidates then I believe it is opened but I do believe there is a civil service list.

County Administrator said that is a complication that comes into it as a civil service there are times that we are required to follow certain promotional procedures with civil service that we have to but to your point jobs that we have open and possibly we don't have anyone, they would be advertised on the website and I will be more than happy to check with Employee services.

Chris Quinn said the reason why I am saying this is because if you want to get newer insight and ideas and leverage with people with experience the only way to do that is to open up the doors to make sure you are getting the best of the best and most credentialed people who can help us, boots on the ground so to speak, bring the county to the next level. That is why I am asking, I didn't see anything and I wanted to clarify. Thank you.

Comment made by Maureen Slack

Ms. Slack came forward and said as I stated I am employed by the Health Department and if I were not employed by the county and sat here and listened, I would definitely pick up that there is an issue with the Health Department not having positions filled. The County Administrator's position was filled, the County Counsel position was filled, the Human Services was filled, the Treasurer position was filled and yet our Health officer position is not filled. I think that needs to be looked into. It is hard to have leadership if we don't have a leader. My other question is you said we had 830 and we are down to around 500. Are people going to be replaced as they are leaving, is there a freeze on that.

Freeholder Director Crabb said everyone who is here now is here for a specific reason. It has been the strategy of every Board that I have been on for the last eight years to see where we could reduce the footprint of county government, not the least was the Homestead.

Ms. Slack said you have said do more with less people and we try to do that but somethings I don't think the right accolades are given out to the right people. It was very enlightening to come to a Freeholder meeting. I learned a lot about the county and I will come again.

Comment made by Anne Smulewicz

Anne Smulewicz from Wantage came forward and said her comments have nothing to do with ethics, nothing to do with transparency, nothing to do with personnel. I want to draw on my personal experiences. I come from Wantage. Wantage has been very a contentious and litigious municipality and if we came to know about anything it was executive session. We are very fortunate that we have Mr. Glen Kientz. Mr. Kientz is certified to appear before the Supreme Court and he is extremely knowledgeable in executive sessions. He spells out what the executive session is, what's to be covered, and what is covered is executive session. I want to end this observation with the facts. Violation of executive session is not an easy matter. You can go to jail to for divulging information from executive session.

I know personally of some material that an individual should not have had and this individual kept this material very secret because this individual could have gone to jail. So don't take it lightly. It is very serious and I commend the Board for getting on the right path with it and taking care of it. It is our process. She wished everyone a nice holiday.

Comment made by Richard Gannon

Mr. Gannon from Wantage came forward and said he doesn't go to many of these meetings. He said he does quite a bit of work in the county and I deal with the Health Department on a constant basis and I go to other counties and I deal with their health department. The woman who just left here, Maureen does an excellent job. The one who we deal with right now Emrick Seabold does an excellent job. The majority of the people who work in the Health Department do an excellent job. I was amazed to walk in here and see you gentlemen sit up there and deal with the way you have dealt with each other the way you did tonight. I am shocked. I am going to start to come to more meetings. I hope you can resolve your differences between each other because if this controversy was happening when I went into the Health Department to work for this county, I would feel like I was down below in another county. We don't work there because of that so we all need to get together and be on the same page and sit down and talk to each other rather than have conflictions between each other as the rest of us watch. I think you are all very intelligent men and hopefully you can get together and do it the right way. I have had nothing but good experiences and I deal with health departments throughout the state. I do enjoy coming up here and working in this county. Have a good evening.

MOTION made by Freeholder Vohden to closed the public session, seconded by Freeholder Rose and pass unanimously.

21. EXECUTIVE SESSION – (Closed Session – If Necessary)

No items for tonight.

RESOLUTION RE: PROVIDING FOR AN EXECUTIVE (CLOSED) SESSION NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 10:4-12 ET SEQ.

WHEREAS, the subject matter(s) about to be discussed may be excluded from the public portion of the meeting by Resolution of the Board of Chosen Freeholders as an exception to the "Open Public Meetings Act" pursuant to N.J.S.A. 10:4-12 (b);_and

WHEREAS, it appears necessary for the Board of Chosen Freeholders to discuss such matter(s) in Executive Session.

NOW, THEREFORE, BE IT RESOLVED that the Board of Chosen Freeholders of the County of Sussex, in accordance with the provisions of N.J.S.A. 10:4-12(b) and N.J.S.A. 10:4-13 that the Board at this time enter into an Executive Session from which the public shall be excluded; and

BE IT FURTHER RESOLVED, that the general nature of the subject(s) to be discussed relate to the following item(s) authorized by N.J.S.A. 10:4-12(b) as designated below:

_____ (1) **Matters Required by Law to be Confidential:**

_____ (2) **Matters Where the Release of Information Would Impair the Right to Receive Funds:**

_____ (3) **Matters Involving Individual Privacy:**

_____ (4) **Matters Relating to Collective Bargaining Agreements:**

_____ (5) **Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds:**

_____ (6) **Matters Relating to Public Safety and Property:**

_____ (7) **Matters Relating to Litigation, Negotiations and the Attorney Client Privilege:**

_____ (8) **Matters Relating to the Employment Relationship:**

_____ (9) **Matters Relating to the Potential Imposition of a Penalty:**

BE IT FURTHER RESOLVED that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Sussex County Board of Chosen Freeholders or provided by law that the public interest will no longer be served by such confidentiality; and

BE IT FURTHER RESOLVED that upon completion of the business for which the Board has entered into the Executive Session, the Board shall reconvene and resume its meeting open to the public.

22. REMINDERS

Thursday	December 24, 2015	Holiday – Christmas Eve
Friday	December 25, 2015	Holiday – Christmas Day
Tuesday	December 29, 2015	Regular Meeting – 9 AM
Monday	January 4, 2016	Reorganization Meeting – 6PM

Freeholder Rose asked Director if he will be doing a resolution for Ralph Shotwell, is that something the Board wants to consider.

Freeholder Director Crabb said with objection, I directed council to go ahead with that.

23. ADJOURNMENT

MOTION to adjourn the meeting made by Freeholder Mudrick, seconded by Freeholder Vohden and passed unanimously.

Catherine M. Williams
Clerk of the Board

DATED: December 9, 2015